

MARCH 8, 2005

CITY OF GUNNISON COUNCIL
REGULAR SESSION MINUTES

7:00 P.M.

Following a Work Session, the Regular Session was called to order at 7:00 P.M., by Mayor Ferguson with City Councilors Simillion, Stone, Smits and Duba present along with City Attorney Landwehr, City Manager Collins, City Clerk Davidson, Community Development Director Westbay, Parks & Recreation Director Ampietro, Fire Marshal Spritzer, Building Official Sniffen, several citizens and the press. Western State College Intern Johnston was absent.

Mayor Ferguson asked Council to add another agenda item to this evening's agenda, Under Unfinished Business, Item A. Continuation of Discussion on Big Box Development. Council agreed to the addition.

Consideration of Minutes:

Regular Session Minutes of February 22, 2005.

Councilor Duba moved and Councilor Stone seconded the motion to approve the Regular Session minutes of February 22, 2005, as submitted.

Roll call vote, yes: Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

Roll call vote, abstain: Simillion. He was not present at the meeting.

Pre-Scheduled Citizens: None.

Unfinished Business:

Continuation of Discussion on Big Box Development. Mayor Ferguson read into the record the following letter: I would like to share my thoughts about "big box" development and our upcoming City Council election. The debate over "big box" development in Gunnison has, in my opinion, started to struggle. We have seen collaborative efforts break down only to be replaced by a move to force the issue into the City Council election offering a win-lose scenario, winner take all, losers weep. There are no winners in the end when public policy is decided in such a black or white fashion. The win-lose pendulum swings back and forth creating a divided community with hurts that can take years to heal, if ever. I am seeing our community divide sharply and I am concerned! Therefore, I am asking each of you to support a compromise plan for "big box" development, one that incorporates the major ideas that have been brought forth by different groups. By focusing on the 90% we seem to agree on, and with a little give and take, we can find this compromise. We have a long history of working together in Gunnison, of building consensus through cooperation. Let's do it again. I propose that we accept the excellent design standards as they are being developed by our Planning Commission and marry them to a Planned Unit Development, (PUD), option that incorporates the design standards but allows for the option to negotiate variances to individual standards, so long as the variances honor the intent of those standards and demonstrably result in a better design than the developer could achieve by strict compliance. I believe that such a combined ordinance will prove of significant benefit to our community. A "big box" developer who proposes a project that meets all the design standards can fast track his or her project with only a review to assure that all standards are indeed met. On the other hand, a developer who would like to seek variances for some standards must participate in a public process to convince the community that the intent of the standards is being met while gaining some flexibility in doing so. This is not a final proposal, but rather a frame through which we see our common interests. We continue to receive viable and valuable suggestions from all interest groups that help us refine this idea and move it forward. Together. We will have four seats out of five open on our City Council in May. Let's all encourage candidates who are concerned about the many issues affecting our community. Watch for media coverage of candidate positions and forums for candidates to espouse their positions. Please support our community by following this election closely. I choose to be FOR Gunnison, FOR a healthy community built on working together. I choose to participate in a genuine collaborative effort. I am asking you to be FOR Gunnison as well, and to be a part of the coming together for a healthier community.

Discussion ensued. Topics included: Commending the Planning & Zoning Commission for all of their hard work on the design standards; Various interest groups working cooperatively; and the request to include a P.U.D. component is not a reflection on the work Planning Commission has done thus far.

Councilor Duba moved and Councilor Stone seconded the motion for this Council to commend the Planning Commission for their diligence and for going above and beyond the call of duty as the work is valuable and must go on; and further move that the Planning & Zoning Commission receive instruction from this Council to “make a place at the table”, if you will, for P.U.D. language to reside as an option in the language of the design standards and give such additional language their consideration as they bring the design standards forward to City Council.

Roll call vote, yes: Stone, Ferguson, Smits, Duba, Simillion. So carried.

Roll call vote no: None.

New Business:

Waiver Request to Use Jorgensen Complex for 24 hr. American Cancer Society “Relay for Life” on August 20-21, 2005. This item was discussed at the Work Session prior to the Regular Session.

Councilor Stone moved and Councilor Simillion seconded the motion to approve the waiver request from the American Cancer Society for the 24 hr. “Relay for Life” event at Jorgensen Complex on August 20-21, 2005.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion, Stone. So carried.

Roll call vote, no: None.

Councilor Stone mentioned he would like the event organizers to contact the neighbors and inform them of the event.

Ordinance and Resolutions:

Ordinance No. 1, Series 2005: Re: Authorizing the Execution of a Business Lease Agreement with the County of Gunnison for the City of Gunnison Waste Dump Station, 2nd Reading.

Councilor Simillion introduced Ordinance No. 1, Series 2005, and it was read by title only by the City Attorney.

Councilor Stone moved and Councilor Duba seconded the motion that Ordinance No. 1, Series 2005, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AMENDED BUSINESS LEASE AGREEMENT FOR THE CITY OF GUNNISON WASTE DUMP STATION, WHEREIN THE COUNTY OF GUNNISON IS LESSOR AND THE CITY OF GUNNISON IS LESSEE, FOR A PERIOD EXTENDING TO FEBRUARY 13, 2089**, be introduced, read, passed and adopted on second and final reading this 8th day of March, 2005.

Roll call vote, yes: Smits, Duba, Simillion, Stone, Ferguson. So carried.

Roll call vote, no: None.

Ordinance No. 2, Series 2005: Re: Extension of Ordinance No. 9, Series 2004, Re: Retail Superstores Moratorium, 2nd Reading.

Councilor Smits introduced Ordinance No. 2, Series 2005, and it was read by title only along with Sections 1 and 2, by the City Attorney.

Councilor Duba moved and Councilor Smits seconded the motion that Ordinance No. 2, Series 2005, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON EXTENDING THE TEMPORARY SUSPENSION OF PROCESSING OF APPLICATIONS FOR RETAIL “SUPERSTORES” WITHIN THE CITY OF GUNNISON IMPOSED BY ORDINANCE NO. 9, SERIES 2004, TO JUNE 30, 2005**, be introduced, read, passed and adopted on second and final reading this 8th day of March, 2005.

Roll call vote, yes: Duba, Simillion, Stone, Ferguson, Smits. So carried.
Roll call vote, no: None.

Ordinance No. 3, Series 2005: Re: Adoption by Reference of the 2003 International Codes, 1st Reading. This item was discussed in the Work Session prior to the Regular Session.

Councilor Stone introduced Ordinance No. 3, Series 2005, and it was read by title only by the City Attorney.

Councilor Duba moved and Councilor Simillion seconded the motion that Ordinance No. 3, Series 2005, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON REPEALING AND RE-ENACTING CHAPTER 14, TECHNICAL CODES, ARTICLES 1 THROUGH 5, OF THE CITY CODE OF THE CITY OF GUNNISON, AND ADOPTING BY REFERENCE THE 2003 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL FIRE CODE, AND INTERNATIONAL PROPERTY MAINTENANCE CODE, AND ESTABLISHING THE PENALTY FOR THE VIOLATION THEREOF**, be introduced, read, passed and ordered published on first reading this 8th day of March, 2005.

Roll call vote, yes: Duba, Simillion, Stone, Ferguson, Smits. So carried.
Roll call vote, no: None.

Councilor Smits moved and Councilor Duba seconded the motion to set the Public Hearing on Ordinance No. 3, Series 2005, Re: Adoption of the 2003 International Codes for 7:00 P.M., April 12, 2005, in the City Council Chambers.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.
Roll call vote, no: None.

City Attorney: Reported the closing on the Lost Canyon Parcel sale is set for March 15. Mr. Clark will not be here and the Mayor and City Clerk can execute the documents prior to that date if they so wish.

City Manager: Mark Collins. Informed Council that with the resignation of Police Chief Keehne, he would like to have professional consultants conduct the replacement search. He has contacted Fred Rainguet, who is a consultant and has prior law enforcement experience. The City Manager will contact other consultants and would like to start the process as soon as possible. It will be a public process with the involvement of many sectors of the community including RE1J, WSC, and the business community. Council also asked that a Youth City Council and a WSC student body representative be included in the process. In other news, a building permit was pulled today for the Holiday Inn located at the east end of town.

Acting City Manager: Parks & Recreation Director Dan Ampietro. Informed Council he submitted the GOCO grant application for the WSC track rebuild project. The Public Works crews have already started in-kind service work at the track.

City Clerk: Gail Davidson. Informed Council the Youth City Council met last Sunday and made their EPYCS grant decisions. The information will be made public the end of next week. Also, the City Election candidate nomination petitions are prepared and will be available starting this Friday, March 11, in the City Clerk's office.

WSC Intern: Matt Johnston. Not present.

Non-Scheduled Citizens: None.

General Discussion/Items for Work Session:

Councilor Smits: Report on Planning & Zoning Commission Meetings. The Commission met on Wednesday, March 2nd and Saturday, March 5th. CD Director Westbay stated they have worked through the sign standards section of the proposed design standards and discussed buffering between residential and commercial properties. They are pretty much through the standards and will meet again on March 16, to review the changes. Councilor Smits also reported on the Mayors'/Managers' meeting held on March 3rd. Topics discussed at the meeting included: REIJ has offered Superintendent Chambliss another year contract; CBMR has skier days up but a slight decrease in paid skier days; Gunnison County has appointed Denise Wise as the Housing Authority Director, the Hospital survey is on-going, and the RTA reports no jet service by Continental Airlines will take place this summer; Crested Butte has an 11% increase in sales tax; Mt. Crested Butte has seen flat sales tax; and Greg Rippe has been appointed by the Governor to be a WSC trustee. Councilor Smits asked that Resolutions for Police Chief Keehne and Parks & Recreation Director Ampietro be prepared. He also asked that compensation for the Municipal Judge, City Councilors, and the Planning Commissioners be reviewed. The City Clerk informed him it is already underway.

Councilor Simillion: Thanked Council for excusing him during his recent medical absence. He hadn't missed a meeting in about 10 years.

Councilor Duba: Nothing further to report.

Councilor Stone: Thanked City Attorney Landwehr for all of his work on the sale of yet another property and wished him well on his upcoming vacation.

Mayor Ferguson: Informed Council that Mesa Airlines has agreed instead of re-routing passengers back to Denver when they are unable to land in Gunnison, to re-direct passengers to Montrose where they can be bussed to Gunnison.

Adjournment: At 7:43 P.M.

Mayor

City Clerk